

SHARON L. GRANDSTROM : CIVIL ACTION
Plaintiff, : NO. 2:23-cv-25
v.
BIMBO BAKERIES USA, INC.,
Defendant.

NOTICE OF REMOVAL

To: The Honorable Judges of the United States District Court
for the Eastern District of Pennsylvania

Defendant, Bimbo Bakeries USA, Inc. (“BBUSA” or “Defendant”), in accordance with the applicable Federal Rules of Civil Procedure and Title 28 of the United States Code §§ 1332, 1441, and 1446, files this Notice of Removal and removes the action entitled “*Sharon L. Grandstrom v. Bimbo Bakeries USA, Inc.* NO. 22-16279” that was originally filed in the Court of Common Pleas of Berks County, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. Defendant files this Notice without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has stated claims upon which relief can be granted, and without conceding that Plaintiff is entitled to any damages against Defendant in any amount. By filing this Notice of Removal, Defendant does not make any admission of fact, law, or liability, and Defendant expressly reserves the right to raise procedural and/or substantive defenses. Removal of this action is based upon the following:

BACKGROUND

1. Plaintiff, Sharon Grandstrom, filed a Complaint on December 12, 2022. A copy of the Complaint is attached as Exhibit A.

2. Prior to filing her Complaint, which does not state the cause of action, Plaintiff implicated Title VII of the Civil Rights Act of 1964, *as amended* in her Charge of Discrimination (“Charge”), which was filed at the Equal Employment Opportunity Commission (“EEOC”). A copy of the Charge is attached as Exhibit B.

3. The EEOC issued a Notice of Right to Sue on or about September 27, 2022. A copy of the Notice is attached as Exhibit C.

4. Defendant files this Notice of Removal within thirty (30) days of its receipt of the Complaint, from which it was ascertainable that the case is one which is or has become removable.

VENUE

5. The Court of Common Pleas of Berks County, where Plaintiff’s Complaint was filed, is within this Court’s District. This action is therefore properly removable to this Court under 28 U.S.C. § 1446(a).

**REMOVAL IS PROPER
BASED ON FEDERAL QUESTION JURISDICTION**

1. 28 U.S.C. § 1331 states: “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

2. Plaintiff’s claims for relief under Title VII, 42 U.S.C. § 2000e(j), arise under the laws of the United States and therefore raise federal questions. *See* Ex. B at 2.

3. Accordingly, this Court has original jurisdiction over Plaintiff's claims for relief under Title VII. *See Ex. B at 2.*

WHEREFORE, Defendant respectfully requests that the State Court Action be removed to this Court.

Respectfully submitted,

DATED: January 4, 2023

s/ Lisa M. Scidurlo
Lisa M. Scidurlo (Pa. No. 80487)
Lisa.scidurlo@stevenslee.com
Sasha A. Phillips (Pa. No. 332243)
Sasha.phillips@stevenslee.com
Stevens & Lee, P.C.
620 Freedom Business Center, Suite 200
King of Prussia, PA 19406
(610) 205-6042

Attorneys for Defendants

CERTIFICATION OF SERVICE

I hereby certify that on this date a true and correct copy of the attached Notice of Removal was served *via* First Class Mail upon the following pro se Plaintiff:

Sharon Lee Grandstrom
39 Oak Terrace
Moscow, PA 18444
Sharbrow3@comcast.net

/s/ Lisa M. Scidurlo
Lisa M. Scidurlo

Dated: January 4, 2023

EXHIBIT A

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet
Berks

County

For Prothonotary Use Only:

Docket No:

22-16279

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- Complaint Writ of Summons
 Transfer from Another Jurisdiction

- Petition
 Declaration of Taking

Lead Plaintiff's Name:
Sharon Lee GrandstromLead Defendant's Name:
Bimbo Bakeries USAAre money damages requested? Yes NoDollar Amount Requested:
(check one) within arbitration limits
 outside arbitration limitsIs this a Class Action Suit? Yes NoIs this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney:

 Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other:

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

- Employment Dispute:
Discrimination
 Employment Dispute: Other

- Other:

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

- Zoning Board
 Other:

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional:

Miscellaneous - Other 22-16279

Berks County Prothonotary Office



5489155 R



Updated 1/1/2011

Sharon Lee Grandstrom

Plaintiff

vs.

Bimbo Bakeries USA,

Defendant

: IN THE COURT OF COMMON PLEAS OF
: LYCOMING ⁵² COUNTY, PENNSYLVANIA
: BARKS
: CIVIL ACTION - LAW
:
:
: NO. 22-16279

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street (P.O. Box 186)
Harrisburg, PA 17108
(800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lycoming County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the office of the Lycoming County Court Administrator, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701, Telephone No. (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Date: 12/12/2022

Sharon Lee Grandstrom

(signature)

Name: Sharon Lee Grandstrom
Address: 39 Oak Terrace
Moscow, PA 18444
Phone: 610-698-3862

Berks Co
COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA
CASE MONITORING NOTICE

Sharon Lee Grandstrom
Plaintiff
vs.
Bimbo Bakeries USA
Defendant

: DOCKET NO: 22-16279

: CIVIL ACTION

I. This matter is:

Mortgage Foreclosure (file once an **Answer** has been filed).
Time needed for trial (1 day) (1/2 day).

Credit Card Collection Case (file once an **Answer** has been filed)
a) Arbitration. (\$50,000 or less) Time needed for discovery? months
b) Trial. Time needed for discovery? months

Forfeiture (file once an **Answer** has been filed)

Administrative Agency Appeal (file with **Notice of Appeal**)

General Civil Case (file with **Complaint**):

- a) Arbitration. (\$50,000 or less) Time needed for discovery? months
- b) Fast track (4 month discovery period)
- c) Normal track (9 month discovery period)
- d) Complex track (12 month discovery period)
- e) Medical Malpractice (14 month discovery period)

Other. Action requested: _____

II. Jury trial demanded? YES NO

III. Please note any special scheduling concerns: Out of town January
4, 2023 through March 28, 2023

Name of filing counsel or pro se party: Sharon Lee Grandstrom for _____

Address: 39 Oak Terrace, Moscow, PA 18444

Telephone number: 610-698-3862

Email address: sharbrow3@comcast.net

Opposing counsel or pro se party: Bimbo Bakeries USA for _____

Address: 640 Park Avenue, Reading, PA 19611

Telephone number: 610-478-9369

Email address: Unknown

sc
Berks

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

Sharon Lee Grandstrom,
Plaintiff

vs.

: NO. 22-16279

: CIVIL ACTION - LAW

Bimbo Bakeries USA
Defendant

COMPLAINT

1. Plaintiff is Sharon Lee Grandstrom, an adult individual residing at 39 Oak Terrace, Moscow, PA 18457 (18444L).
2. Defendant is Bimbo Bakeries USA, an adult individual residing at 640 Park Avenue, Reading PA 19611.
3. I suffered Religious Discrimination during my employment with the Defendant.
4. I was let go from my job at the Defendant after 14 years of dedicated service due to my deeply held Religious Beliefs.
5. The Defendant was not willing to provide accommodations for my beliefs; See attachment #1
6. I believe it would have been easy to provide accommodations without any financial hardship or safety issue.
7. I filed a complaint with the EEOC and received a letter of the right to sue. See attachment #2

WHEREFORE, Plaintiff requests this Court to issue judgement
against the defendant for \$50,000 together
with costs upon filing of the claim

Respectfully submitted,

Signature:

Sharon Lee Grandstrom

Address:

39 Oak Terrace

Moscow, PA 18444

Phone number:

610-698-3862

VERIFICATION

I, Sharon Lee Grandstrom state that I am the Plaintiff in the foregoing matter and that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I further understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 12/13/2023

Sharon Lee Grandstrom
(signature of Plaintiff)

EXHIBIT B

EEOC Form 5 (11/09)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: EEOC FEPA	Agency(ies) Charge No(s): 530-2022-01252
--	--	--

Pennsylvania Human Relations Commission

State or local Agency, if any

why I could not wear a mask. I informed them that this was a personal, religious belief, and Respondent, stated that I should work from home entirely until they could come to a decision. On June 4, 2021 in another conference call, Respondent stated that that they could not accommodate me, and I had the weekend to think further. I reiterated that this was a strong religious belief and I could not go against the conviction and could not understand why they could not accommodate me. On June 7, 2021 during the last conference call Kevin Atkinson informed me that they would be separating my employment, effective at the end of the day. I allege I have been discriminated and retaliated against on the basis of my deeply held religious beliefs (7th-Day Adventist) in violation of Title VII of the Civil Rights Act of 1964, as amended.

<p>the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT</p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Mrs. Sharon L. Grandstrom</p> <p>01/26/2022</p>	<p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i></p>
<i>Charging Party Signature</i>	

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EXHIBIT C



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Philadelphia District Office
801 Market St, Suite 1000
Philadelphia, PA 19107
(267) 589-9700
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 09/27/2022

To: Mrs. Sharon L. Grandstrom

39 Oak Terrace

MOSCOW, PA 18444

Charge No: 530-2022-01252

EEOC Representative and Legal Unit & Telephone Number 267-589-9707

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission:

A handwritten signature in blue ink that reads "Karen McDonough".

Karen McDonough, Deputy District Director

Cc:

Lisa Scidurlo
Stevens & Lee
620 FREEDOM BUSINESS CTR DR STE 200
King Of Prussia, PA 19406

Renee Sickels
Docket@grupobimbo.com

Rachelle Highland
620 Freedom Business CTR DR STE 200
King Of Prussia, PA 19406

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 530-2022-01252 to the District Director at Jamie Williamson, 801 Market St Suite 1000

Philadelphia, PA 19107.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

Enclosure with EEOC Notice of Closure and Rights (01/22)

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:

<https://www.eeoc.gov/eeoc/foia/index.cfm>.